

wilderness recommendation

may 1983



VOYAGEURS

NATIONAL PARK / MINNESOTA



RECOMMENDATION

THE NATIONAL PARK SERVICE RECOMMENDS THAT 87,736 ACRES WITHIN VOYAGEURS NATIONAL PARK BE PROPOSED FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM AND THAT 3,917 ACRES CURRENTLY UNDER PRIVATE OWNERSHIP OR ENCUMBERED BY USE AND OCCUPANCY RIGHTS BE PROPOSED AS POTENTIAL WILDERNESS ADDITIONS (SEE EXHIBIT A, WILDERNESS RECOMMENDATION MAP). THE TOTAL WILDERNESS RECOMMENDED IS 91,653 ACRES.

THIS RECOMMENDATION IS BASED ON STUDY OF THE QUALIFYING AREAS, CONSIDERATION OF MOTORIZED RECREATION, VIEWS PRESENTED AT PUBLIC HEARINGS, AND WRITTEN RESPONSES CONCERNING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ON THE PRELIMINARY WILDERNESS PROPOSAL AND ALTERNATIVES (DES 80-4).



United States Department of the Interior

NATIONAL PARK SERVICE

P.O. BOX 37127

WASHINGTON, D.C. 20013-7127

IN REPLY REFER TO:
L7617(774)



29 JUN 1992

*6 - more bull-st--
anytime you approach wilderness
designations with "balance" as the
goal, WILDERNESS LOSES!
mike*

Hill

ACC 6731

Memorandum

To: Legislative Counsel

Through: *Propose for* Assistant Secretary for Fish and Wildlife and Parks JUL 06 1992

From: *Acting* Director, National Park Service *John S. (Ald)*

Subject: Wilderness Proposal, Voyageurs National Park

Pursuant to the requirements of Section 301(b) of the Act of January 8, 1971, as amended (16 U.S.C. 160f; 84 Stat. 1970, 96 Stat. 2029), attached is the subject final environmental impact statement for a wilderness proposal for Voyageurs National Park and, for your review and clearance, a draft bill and draft letters from the Secretary to the President and from the President to Congress.

Under this proposal 127,436 acres would be included in the National Wilderness Preservation System, including 2,442 acres of potential wilderness additions. We recommend favorable consideration of this Voyageurs National Park wilderness proposal.

As you know, on June 14, 1990, the Voyageurs Region National Park Association filed suit in United States District Court to require the Secretary of the Interior to submit a wilderness recommendation to the President pursuant to P.L. 91-661 and the Wilderness Act. On April 15, 1991, the court ruled that a wilderness recommendation shall be submitted no later than April 15, 1992. The April 15, 1992, deadline has been extended for 90 days, until July 14, 1992.

Attachments (4)

DEPT. OF THE INTERIOR
OFFICE OF THE SECRETARY
92 JUL -9 11:11:24
OFFICE OF LEGISLATIVE
AFFAIRS

DRAFT

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As provided by Section 301(b) of the Act of January 8, 1971, as amended, the Secretary of the Interior is required to review the area within Voyageurs National Park and report to the President his recommendations as to the suitability or unsuitability of the area for preservation by Congress, as wilderness, in accordance with provisions of the Wilderness Act. We have reviewed the areas included within Voyageurs National Park and recommend that 124,994 acres be included in the National Wilderness Preservation System and that additional areas totaling 2,442 acres within the park be included as potential wilderness. Total wilderness recommended is 127,436 acres comprising 58.4 percent of the park lands and waters.

Areas not considered suitable for wilderness are the four major lakes (Rainy, Kabetogama, Namakan, and Sand Point), Mukooka Lake, as well as park developed areas, historic resources, Chippewa Indian lands, public access routes, snowmobile and vehicles portages, and miscellaneous areas that are too small to be managed as wilderness.

Under this proposal provisions of treaties between the United States and Canada concerning this border region would remain in effect, including the authority of

the International Joint Commission to regulate the water levels of major lakes and the continuation of maintenance practices at existing water development projects. Adequate access to private lands would also be permitted within the Voyageurs Wilderness.

In areas of the park outside the areas proposed for wilderness, snowmobiles would be permitted, including the major lakes and certain other trails. Aircraft and motorboat use would be allowed on all lakes open to snowmobiling.

All comments received during the review period for the Draft Environmental Impact Statement for a Wilderness Recommendation for Voyageurs National Park, both written and oral including those obtained at the three public hearings, were considered in preparing the Final Wilderness Recommendation. ~~[While many comments received focused on the National Park Service's acceding to local pressures by permitting certain uses not normally allowed under the Wilderness Act, others criticized that there was insufficient provision of local opportunities for the recreation pursuits favored by regional residents who are the most frequent visitors to the park.]~~ I believe this proposal strikes the correct balance, and urge you to recommend to the Congress that the enclosed draft legislation be enacted.

*John
Santam*

Sincerely,

SECRETARY

Enclosure

Attachment

DRAFT

2

Honorable Dan Quayle
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Pursuant to the requirements of Section 301(b) of the Act of January 8, 1971, as amended (16 U.S.C. 106f; 84 Stat. 1970, 96 Stat. 2029), the Secretary of the Interior shall review the area within Voyageurs National Park and report to the President his recommendations as to the suitability or unsuitability of that area for preservation as wilderness, and the President shall advise the Congress of his recommendations with respect to wilderness suitability. Any designation of any such area as wilderness is to be accomplished by the Congress pursuant to the Wilderness Act of September 3, 1964, (78 Stat. 890; 16 U.S.C. 1132).

Enclosed is the recommendation of the Secretary of the Interior that certain land and water areas within the park, totaling 124,994 acres, be included in the National Wilderness Preservation System. Also included would be approximately 2,442 acres whose current uses are consistent with the Wilderness Act. These acres would be designed "Potential Wilderness Lands" and "Potential Wilderness Water" and would be designated wilderness upon published notice in the Federal Register that all uses prohibited by the Wilderness Act have ceased. I concur in the recommendation by the Secretary of the Interior, and recommend that the enclosed draft legislation be referred to the appropriate committee and enacted.

Sincerely,

PRESIDENT

Enclosure

Attachment

DRAFT

3

Honorable Thomas S. Foley
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. President:

Pursuant to the requirements of Section 301(b) of the Act of January 8, 1971, as amended (16 U.S.C. 106f; 84 Stat. 1970, 96 Stat. 2029), the Secretary of the Interior shall review the area within Voyageurs National Park and report to the President his recommendations as to the suitability or unsuitability of that area for preservation as wilderness, and the President shall advise the Congress of his recommendations with respect to wilderness suitability. Any designation of any such area as wilderness is to be accomplished by the Congress pursuant to the Wilderness Act of September 3, 1964, (78 Stat. 890; 16 U.S.C. 1132).

Enclosed is the recommendation of the Secretary of the Interior that certain land and water areas within the park, totaling 124,994 acres, be included in the National Wilderness Preservation System. Also included would be approximately 2,442 acres whose current uses are consistent with the Wilderness Act. These acres would be designed "Potential Wilderness Lands" and "Potential Wilderness Water" and would be designated wilderness upon published notice in the Federal Register that all uses prohibited by the Wilderness Act have ceased. I concur in the recommendation by the Secretary of the Interior, and recommend that the enclosed draft legislation be referred to the appropriate committee and enacted.

Sincerely,

PRESIDENT

Enclosure

Muchman

4

DRAFT

A B I L L

To designate certain lands in the Voyageurs National Park, Minnesota, as wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, in accordance with section 3(c) of the Wilderness Act of September 3, 1964, (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands and water in Voyageurs National Park, Minnesota, which comprise approximately 124,994 acres, which are depicted as "Proposed Wilderness Land" and "Proposed Wilderness Water" on the map entitled "Alternative 2, Voyageurs National Park," numbered 172-40057A and dated April 1992, are hereby designated as wilderness. Certain other lands in the park, which comprise approximately 2,442 acres and which are depicted on such map as "Potential Wilderness Land" and "Potential Wilderness Water" are, effective upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated wilderness. The map describing the boundaries of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 2: As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: Provided, however, That corrections of clerical and typographical errors in such map and description may be made.

Sec. 3: The wilderness area designated by this Act shall be known as the "Voyageurs Wilderness" and shall be administered by the Secretary of the Interior subject to the provisions of this Act and in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agricultural shall be deemed to be a reference to the Secretary of the Interior.

Sec. 4: Nothing in this Act shall be construed to affect the provisions of section 302(b) and 304 of the Act of January 8, 1971, (84 Stat. 1970; 16 U.S.C.160).

Sec. 5: The emplacement, operation, and maintenance of hydrological measuring devises and navigation aids shall be permitted within the wilderness established by the Act, but only (1) after consultation with the Secretary of the Interior by the head of the Federal department or agency undertaking such emplacement, operation, or maintenance, and (2) in accordance with such terms and conditions as many be mutually agreed upon order to minimize any adverse effects of such activities on the park.

RECORD OF DECISION

This record of decision incorporates by reference the Record of Decision signed by the National Park Service on June 29, 1992.

Based on the review of the wilderness study and environmental impact statement for Voyageurs National Park, I have concluded that 127,436 acres within Voyageurs National Park should be designated as part of the National Wilderness Preservation System. The wilderness Study report accompanying this decision includes a discussion and map of the recommended wilderness area.

TABLE OF CONTENTS

VOYAGEURS NATIONAL PARK WILDERNESS STUDY OVERVIEW

SUMMARY.....	1
MAP.....	2
WILDERNESS STUDY PROCESS.....	3
OTHER PERTINENT INFORMATION RELATING TO THE STUDY.....	6
SPECIAL REGULATIONS FOR SNOWMOBILE USE.....	6
LAND STATUS.....	6
SURFACE RIGHTS.....	7
OTHER GOVERNMENT LAND.....	7
INDIAN LANDS.....	7
USE-AND-OCCUPANCY RIGHTS.....	7
SUBSURFACE RIGHTS.....	8
STRUCTURES AND FACILITIES.....	8
MOTORIZED USES.....	9
USE OF INTERNATIONAL WATERS AND MAINTENANCE OF LAKE WATER LEVELS.....	9
ENDANGERED SPECIES.....	9
OTHER AGENCY WILDERNESS CONSIDERATIONS.....	10
SUMMARY OF PUBLIC COMMENTS.....	11
SUMMARY OF VOYAGEURS NATIONAL PARK WILDERNESS RECOMMENDATION.....	12
AREAS NOT RECOMMENDED FOR WILDERNESS.....	13

SUMMARY

Voyageurs National Park was authorized in 1971 by Public Law (PL) 91-661 and established in 1975 in order to "preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States."

PL 91-661 provided that "the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President...his recommendation as to the suitability or unsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with...the Wilderness Act."

All lands and waters in Voyageurs National Park were evaluated for their wilderness suitability, and a total of 128,884 acres were determined to be suitable. The area determined to be suitable includes 91.8% of the park's land area and 6.7% of its water area. Areas not considered suitable for wilderness are the four major lakes (Rainy, Kabetogama, Namkan, and Sand Point), Mukooda Lake, as well as park developed areas, historic resources, Chippewa Indian lands, public access routes, snowmobile and vehicle portages, and miscellaneous areas that are too small to be managed as wilderness.

The recommendation is for Congress to designate 127,436 acres of park lands and waters as wilderness. The recommended wilderness areas include the relatively pristine and rugged Kabetogama Peninsula, the southeastern portion of the park, and most park islands (totaling 91.6% of park lands), plus 4,404 acres of interior lakes (5.2% of park waters). Approximately 2,442 acres would be recommended as potential wilderness additions because they are not federally owned, they have use-and-occupancy agreements, there are structures that would be removed or allowed to deteriorate, or development proposals are being studied.

Motorized uses would continue to be allowed on the major lake surfaces and 15.7 miles of snowmobile portages; a 100-foot-wide nonwilderness corridor would be established on the Kabetogama Peninsula through the Chain of Lakes for one-way snowmobile travel.

Many reviewers commented on the Voyageurs Wilderness Environmental Impact Statement. Comments were received from national and state environmental organizations, state and local governments, Indian Tribes, recreationists, and other interested parties.

Oral and written comments tended to favor either no wilderness recommendation or designation of all suitable areas as wilderness.

WILDERNESS STUDY PROCESS

The attributes for wilderness areas listed in the Wilderness Act include naturalness, size, opportunities for solitude or primitive and unconfined recreation, and other features such as ecological, geological features of scientific, educational, scenic, or historical value. These attributes serve both as standards for studying areas and evaluating their suitability for inclusion in the national wilderness preservation system and as guidelines for the preservation and use of wilderness areas.

Only federally owned lands may be designated as wilderness by Congress. Lands that do not currently meet the criteria for wilderness but that would qualify within a certain period of time (for example, privately owned lands that may be acquired on an opportunity basis, or lands with use-and-occupancy rights) may be designated by Congress as potential wilderness additions. Potential wilderness additions automatically become wilderness when the conflicting uses have been removed and a notice has been published to that effect in the *Federal Register*.

Previously logged and roaded areas can be considered for wilderness designation if vegetative recovery has obscured the effects of previous uses. Although the Kabetogama Peninsula was previously logged, more natural conditions have returned, and the area is suitable for wilderness designation.

In Voyageurs National Park a total of approximately 89,171 acres were determined to be unsuitable or ineligible for wilderness designation because they do not meet the criteria for wilderness, because they are required for park development purposes, or because uses are incompatible with wilderness values. These areas include the following:

Lakes (approximately 78,172 acres) — Rainy, Kabetogama, Namakan, and Sand Point lakes are open to watercraft use in the summer, snowmobile use in the winter, and year-round use by aircraft. The National Park Service intends to allow these uses to continue, in accordance with the provisions of PL 91-661 and the guidance provided in its accompanying legislative history. Mukooda Lake must be maintained as an access route to Indian lands and to international waters and is also not suitable for wilderness designation.

Indian lands (271.56 acres) — Six tracts of Indian land near Kettle Falls, Lucille Lake, and Mukooda Lake are ineligible for wilderness because, in accordance with existing treaties and tribal laws, they cannot be acquired by the National Park Service. No development potential is known for these lands.

NPS development sites and adjacent areas (8,681 acres) — Existing and proposed developments described in the *Master Plan* are essential for the effective operation of the park and are incompatible with wilderness

designation. The sites where development will occur or where existing facilities will be retained include Rainy Lake, Ash River, Kabetogama, Kettle Falls, and Mukooda Lake. The State Point area has been identified as a potential future development site.

Access roads to the park's developed areas include the roads to Rainy Lake, Kabetogama Lake, and Ash River; the Kettle Falls area roads; and any road to approved proposed developments at State Point.

The Black Bay area on the western tip of the Kabetogama Peninsula now offers 12 miles of groomed, cross-country ski trails. Future expansion of these trails is planned just south of the existing trails. The park's *Trail Plan* also proposes cross-county ski trails at State Point, Rainy Lake, and just west of the Ash River access road. These trails would be ineligible for wilderness because they would be groomed by vehicles. In addition, two overnight cabins (a total of 1 acre at each site) would be constructed along backcountry ski trails on the Kabetogama Peninsula, at locations yet to be determined.

Areas that would not be suitable for wilderness because of fragmentation by other exclusions include the area east of Kettle Falls, the Hoist Bay area, the Ash River area, and the area south of Mukooda Lake.

Historic sites (1,822 acres) — The following historic sites and areas are proposed for visitor use and are not suitable for wilderness: Gold Mine Historic District and Rainy Lake City historic site near Black Bay on the Kabetogama Peninsula, the Kettle Falls Historic District, and the logging camp near Hoist Bay.

Public access routes (34 acres, 2.8 miles) — Three public access routes are required to be maintained in the park, one from Ash River to private land around Moose River, another from Crane Lake through Mukooda Lake to international waters, and a third from Grassy Bay into Little Trout Lake. The Moose River road is used year-round, primarily by property owners around Moose River and is the only means of access. The access route through Mukooda Lake contains a winter ice road and snowmobile route traditionally used for access by members of the Neguaguon Lake Indian Reservation in Ontario to avoid dangerous ice conditions in King William Narrows. Two additional vehicle portages are also maintained — from Lost Bay to Saginaw Bay, and from Crane Lake to Mukooda Lake.

Snowmobile portages (190.3 acres, 15.7 miles) — Portages provide winter access around hazardous ice areas on the major lakes and were established before the park was authorized. Because snowmobiles are not allowable in wilderness, 17 snowmobile portages would be excluded from wilderness. The

width of each portage is 100 feet (50 feet each side of the centerline of an 8-foot-wide maintained track). The 100-foot-wide corridor would allow for minor realignment of the track as required by natural conditions, such as the creation or abandonment of beaver dams.

Other development — Three sections of overhead powerlines in the park — east of the Ash River access road, from the inlet at Moose Bay to the inlet of Hoist Bay, and east of Mukooda Lake — are not eligible for wilderness.

The park's remaining 128,884 acres of lands and waters are deemed to contain sufficient wilderness values to be considered for wilderness designation.

In accordance with the park's enabling legislation, the National Park Service announced the beginning of the wilderness study process in September 1979, and in August 1980 a *Draft Environmental Impact Statement / Wilderness Recommendation* was released for public review. Seven alternatives for wilderness were considered, ranging from designating no wilderness to designating virtually the entire park as wilderness. Motorized uses that would be allowed under each alternative were also described and analyzed.

After public comments and revisions, a final *Wilderness Recommendation* and *Final Environmental Impact Statement* were submitted to the Department of the Interior on June 8, 1983. A recommendation was not transmitted to the President or Congress, and the documents were not released to the public.

On June 14, 1990, the Voyageurs Region National Park Association filed suit in United States District Court to enjoin all snowmobile use on the Kabetogama Peninsula and to require the Secretary of the Interior to submit a wilderness recommendation to the President pursuant to PL 91-661 and the Wilderness Act. On April 15, 1991, the court ordered that a wilderness recommendation be submitted to the President and that ongoing snowmobile use on the Kabetogama Peninsula could continue. As a result, the wilderness study process was re-initiated, and a *Revised Draft Environmental Impact Statement* was released for a 60-day public review on September 6, 1991, and a *Final Environmental Impact Statement* was released May 28, 1992. Both the *Revised Draft Environmental Impact Statement* and the *Final Environmental Impact Statement* examined six alternatives, ranging from no wilderness to designating all suitable areas as wilderness.

OTHER PERTINENT INFORMATION RELATING TO THE VOYAGEURS NATIONAL PARK WILDERNESS STUDY

SPECIAL REGULATIONS FOR SNOWMOBILE USE

On January 30, 1991, the National Park Service published special regulations to authorize safe snowmobile use, to protect park resources, to provide appropriate enjoyment to park users, and to protect threatened or endangered species. The special regulations are subject to amendment upon final wilderness designation and the accompanying provisions for snowmobile use. The following lakes and trails within Voyageurs National Park are currently identified as open to snowmobile use:

- the frozen waters of Rainy, Kabetogama, Namakan, Mukooda, Little Trout, and Sand Point lakes
- the Moose River railroad grade from the park boundary north to Ash River, and then east to Moose Bay on Namakan Lake
- the portage trail between Grassy Bay and Little Trout Lake
- the Chain of Lakes trail, from its intersection with the Black Bay to Moose Bay portage, across Locator, War Club, Quill, Loiten, and Shoepack lakes, to Kabetogama Lake
- the following marked portages: Black Bay to Moose Bay, Lost Bay to Saginaw Bay, Laurins Bay to Kettle Falls, Squirrel Narrows, Squaw Narrows, Grassy Bay, Namakan Narrows, Swansons Bay, Mukooda Lake to Sand Point Lake (north and south portages), Mukooda Lake to Crane Lake, Tar Point, Kohler Bay, and Sullivan Bay to Kabetogama Lake

The superintendent may determine yearly opening and closing dates for snowmobile use, and may temporarily close trails or lake surfaces, taking into consideration public safety, wildlife management, weather, and park management objectives. Snowmobile use outside designated routes and lake surfaces is prohibited.

LAND STATUS

PL 91-661 provides the Secretary of the Interior with the authority to acquire all lands and interests within the boundaries of the park. Acquisition may be accomplished by donation, purchase with donated or appropriated funds, or exchange, except for lands owned by the state of Minnesota or a political subdivision, which may be acquired only by donation. As stated in the Wilderness Act, only federal lands may be

designated as wilderness.

Any lands that are suitable for wilderness designation but that are not yet owned by the federal government, that are under use-and-occupancy rights, or that have other temporary encumbrances on them may be designated as potential wilderness additions.

Surface Rights

Land acquisition at Voyageurs National Park has been underway since the establishment of the park in 1975. Based on the park's enabling legislation and NPS policies, the approved *Land Protection Plan* reaffirms the intent to acquire surface rights to all privately owned lands within the authorized boundaries of the park. Land acquisition is to be accomplished on an opportunity basis. Lands will be condemned only if the private owners propose uses or developments that are not compatible with the park's management objectives or if lands are needed for NPS developments.

The total area encompassed by the park is 218,055 acres. As of March 26, 1991, approximately 2,041.72 acres of private land (1% of the park's land area) remain to be acquired.

Other Government Land. A total of 124.9 acres within the park are owned by other federal and state governmental agencies. Wherever these lands are included within recommended wilderness boundaries, they have been classified as potential wilderness additions.

Indian Lands. Six tracts of Chippewa Indian lands lie within the park. Three tracts (216.05 acres total) are in joint tribal trust, and three tracts (55.51 acres) are in individual trust. By authority of existing treaties and tribal laws, the National Park Service cannot acquire joint tribal trust lands. Individual trust lands may be exchanged or purchased upon the initiative of the individual owner. In such cases it is the Bureau of Indian Affairs' policy to grant the tribe first right of refusal. As a result of these policies, Indian lands within Voyageurs National Park are not suitable for wilderness or potential wilderness designation. The Park Service is aware of no planned development for these lands.

Use-and-Occupancy Rights. Many private landowners within Voyageurs National Park have retained use-and-occupancy rights on their properties. Fee lands account for 128 use-and-occupancy reservations, extending from 10 years to life estates. Lands with use-and-occupancy agreements within authorized wilderness boundaries may be designated as potential wilderness additions pending the expiration of the agreements and the elimination of other conflicting uses, if present.

Subsurface Rights

The federal government owns approximately 46,905 acres of the mineral estate in Voyageurs National Park, or approximately 22% of the mineral rights. Of the remaining 171,130 acres of mineral estate in nonfederal ownership, approximately half is owned by the state of Minnesota and the other half by private owners. Up to 90% of the mineral estate in private ownership may revert to the state because of recording errors, or the owner's failure to pay taxes. Lands containing outstanding mineral rights may be recommended for wilderness designation.

Clear congressional direction exists with respect to mineral development within park boundaries. The park enabling legislation prohibits all mining and mineral activities and commercial water power development within the boundaries of the park.

Likewise, Minnesota Statute, sec. 84B.03, subd. 1, states,

the governor . . . shall donate and convey to the United States of America the state's interest in . . . lands lying within the boundaries of Voyageurs National Park. . . . Each conveyance of these lands shall contain . . . (1) a provision that the lands shall revert to the state of Minnesota if (a) the secretary of interior does not establish the park within five years after donation of all state owned lands, or if (b) the lands so conveyed are no longer used for national park purposes; . . . each conveyance of these lands shall also contain the covenant required . . . to prohibit mining or water power development.

Minnesota is precluded by state law from conveying title to state-owned mineral interests to the United States. The state did, however, effectively relinquish control of those rights to the National Park Service by a covenant on the deeds transferring surface ownership of lands to the United States (signed by Governor Wendell Anderson on September 12, 1972). Thus, mineral development is precluded on at least half of the nonfederal mineral rights in the park.

STRUCTURES AND FACILITIES

The National Park Service *Management Policies* provide that ranger stations, patrol cabins, and associated storage or support structures may be placed in wilderness only if necessary to carry out wilderness management objectives and provisions of the park's wilderness management plan. These *Management Policies* also provide that campsites may be designated within wilderness when essential for resource protection or to enhance opportunities for solitude. Campsite facilities may include a site marker, a fire-ring, a tent site, a food-storage device, and a toilet, but only if determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users or for the protection of wilderness resources and values. Picnic tables are not to be placed in wilderness, and their presence would require a special legislative provision.

MOTORIZED USES

As a general rule, public use of motorized equipment or any form of mechanical transport is prohibited in wilderness. However, the Wilderness Act authorizes the continuation of motorboat and aircraft use under certain circumstances where those activities were established prior to wilderness designation.

The use of motorized recreation vehicles, including floatplanes, ski-planes, motorboats, and snowmobiles, which have historically been used in northern Minnesota, are provided for in the legislation establishing Voyageurs National Park.

The primary means of access to many areas of the park is by boat. Both nonmotorized and motorized travel will continue to be allowed on the major lakes in the park. To provide access to designated visitor use areas on the shorelines of the major lakes, the park may provide mooring devices, which would also require an exception to wilderness policies related to the allowance of structures in wilderness.

The park has traditionally stored canoes and open boats at Locator, Loiten, Shoepack, Little Shoepack, Ek, Cruiser, and Mukooda lakes to provide park visitors (especially those individuals who are unable to carry their own canoes over the park's rather long portages) the opportunity to canoe on the park's calm interior lakes. The continued storage of these canoes would require an exception to wilderness policies.

USE OF INTERNATIONAL WATERS AND MAINTENANCE OF LAKE WATER LEVELS

The Webster-Ashburton Treaty of 1842 ensures that the international boundary waters will be open for free use by the citizens of both the United States and Canada. The Boundary Waters Treaty of 1909 allows the inhabitants of both countries free use of all navigable international waters subject to laws of both countries, and it also provides for the regulation of water use and reservoir water levels by an International Joint Commission (IJC). The water levels of Namakan, Kabetogama, Sand Point, and Rainy lakes are currently controlled by Boise Cascade dams at Kettle Falls and International Falls, and water levels must be maintained within a band of elevations established by the International Joint Commission. Boise Cascade must also operate the International Falls dam in compliance with its license from the Federal Energy Regulatory Commission, issued in 1990, which requires that water levels be kept at the top of the IJC-established band during the 15 days immediately following ice-out.

This wilderness recommendation for Voyageurs National Park has taken these agreements into account to ensure compatibility with the provisions of both treaties.

ENDANGERED SPECIES

Consistent with the purposes of the Endangered Species Act (16 USC 1531 et seq.), the National Park Service will identify and promote the conservation of all federally listed threatened, endangered, or candidate species within park boundaries, as well

as their critical habitats. As necessary, the Park Service will control visitor access to and use of critical habitats, and it may close such areas to entry for other than official purposes. All NPS wilderness proposals are formally reviewed by the U.S. Fish and Wildlife Service for compliance with section 7 of the Endangered Species Act of 1973, as amended. This review ensures that no federally listed threatened or endangered species and associated critical habitats under protection of the Endangered Species Act would be adversely affected by the proposals. The U.S. Fish and Wildlife Service formally reviewed the NPS wilderness proposal and potential impacts on threatened or endangered species during the 60-day public review period and issued a no jeopardy opinion.

OTHER AGENCY WILDERNESS CONSIDERATIONS

Three other agencies manage or have the potential to manage wilderness in the region.

U.S. Forest Service — The Boundary Waters Canoe Area Wilderness, a part of the Superior National Forest, is near Voyageurs National Park in the Sand Point Lake/Crane Lake area. This wilderness area is comprised of three separate units totaling 1.2 million acres of land and water. Motorized recreation vehicles in the area are restricted as follows: no off-road vehicle or snowmobile use; no floatplane access; no aircraft overflights below 4,000 feet; and prohibition of motorized watercraft on most lakes (motorized watercraft, sometimes with 10 or 25 horsepower motor restrictions, are legislatively permitted on a few lakes).

Bureau of Land Management — The Bureau of Land Management conducted an intensive wilderness inventory of two tracts of land in Koochiching County. The two units (10,394 and 11,012 acres respectively) are approximately 20 miles west of International Falls and consist mainly of peat bog. Wilderness recommendations were not made for either area because it was judged there are no outstanding opportunities for solitude and primitive recreation and there is substantial evidence of man's activities, which could not be readily removed by hand labor or natural forces.

Province of Ontario, Ministry of Natural Resources — Quetico Provincial Park, a 1.1 million-acre area north of the Boundary Waters Canoe Area Wilderness and east of Voyageurs National Park in Canada, is also managed as wilderness. Canadian wilderness management policies are similar, but not identical, to U.S. policies.

SUMMARY OF PUBLIC COMMENTS

An extensive public review was conducted on the wilderness recommendation and alternatives.

The *Revised Draft Environmental Impact Statement for a Wilderness Recommendation*, was released for a 60-day public review on September 6, 1991.

Three public hearings were held on October 7, 8, and 9, 1991, in International Falls, Orr, and Minneapolis, Minnesota, with a total 405 people attending, of whom 115 testified.

Altogether 1,406 written responses were received (including 940 form letters). These included comments from federal and state agencies, organizations and individuals.

In general both oral and written comments tended to favor either no wilderness recommendation or designating all suitable lands as wilderness. As a result of the comments, a *Final Environmental Impact Statement* was prepared to clarify the description of alternatives, correct errors, and reaffirm measures to mitigate potential adverse effects on the bald eagle and gray wolf (both federally listed threatened species) and the common loon (a species of special concern in Minnesota). The final document was released May 28, 1992.

SUMMARY OF VOYAGEURS NATIONAL PARK WILDERNESS RECOMMENDATION

A total of 127,436 acres (58.4% of the park or 98.9% of the suitable lands) are recommended for wilderness designation, including 2,442 acres of potential wilderness additions. The high waterline would mark the wilderness boundary along approximately 300 miles of shoreline bordering Rainy, Kabetogama, Namakan, and Sand Point lakes.

Lands recommended for wilderness include the majority of the Kabetogama Peninsula, the southeastern portion of the park, and most park islands. The Kabetogama Peninsula has extremely limited development and difficult access, and it is perceived by many to be the park's prime backcountry resource. The southeastern portion of the park is considered among the park's most undisturbed, rugged areas. Throughout the park the thick forest cover, the intermittent lakes, streams, beaver ponds, and bogs, as well as rocky cliffs and knolls, provide the essential qualities for a wilderness experience. This primitive landscape offers numerous opportunities for backpacking, hiking, canoeing, fishing, nature study, and photography.

Of the 2,442 acres recommended for potential wilderness, 1,966 acres are privately owned, 333 acres have use-and-occupancy agreements, 104 acres are park lands with structures or structural debris that would be removed or allowed to molder, 19 acres comprise a 200-foot-wide corridor at Gold Portage that is being studied as a summer vehicle portage to transport boats between Rainy Lake and Kabetogama Lake, and 20 acres are water. These areas would become wilderness upon publication of a notice in the *Federal Register* when either the land had been purchased by the government, use-and-occupancy agreements had expired, structures or structural debris had been removed or the structures had moldered to a significant degree, or a decision was made not to build a portage. Nonfederal lands and waters cannot be designated wilderness unless they are wholly federally owned.

Waters recommended for wilderness include all of the park's interior lakes except for the Chain of Lakes (Locator, War Club, Quill, Loiten), Shoepack, Little Trout, and Mukooda.

NPS development within wilderness areas, as proposed by the *Trail Plan* and the *Lakecountry and Backcountry Site Management Plan*, would include 55.9 miles of hiking trail (79.9 miles total), 5.2 miles of ungroomed ski trail, and 226 campsites (349 total). In addition, the National Park Service would study other routes for ungroomed cross-country ski trails on the Kabetogama Peninsula.

Only nonmotorized recreation would be permitted within designated wilderness areas. Nonwilderness corridors would be established for snowmobile safety portages and the 11.2-mile snowmobile route through the Chain of Lakes.

Special provisions would be included in the wilderness legislation to allow the minimum facility to be placed along the shorelines of the major lakes in order to carry out essential administrative functions, to provide for visitor safety, or to protect natural and cultural resources. Picnic tables would be allowed at campsites and day use sites, motorboats would be permitted to beach along the shores of the major lakes, and boat/canoe storage sites and structures would be established at specific interior lakes (Locator, Loiten, Shoepack, Little Shoepack, Ek, Cruiser, and Mukooda).

Areas Not Recommended for Wilderness

Areas that are suitable for wilderness but that are not recommended total 1,448 acres and include the Chain of Lakes snowmobile trail, plus Locator, War Club, Quill, Loiten, Shoepack, and Little Trout lakes. A 100-foot-wide nonwilderness land corridor would be established for the trail; actual snowmobile use within the corridor would be confined to a 12-foot-wide, two-way maintained track between the mouth of Lost Bay and the safety portage from Black Bay to Moose Bay. The trail would be one-way from the south, beginning near the mouth of Lost Bay and ending at the safety portage from Black Bay to Moose Bay. The trail would be designed to be low-speed, curvilinear, and resource-oriented.

Other proposed development in nonwilderness areas includes 11.3 miles of hiking trail (14.5 miles total), 4.7 miles of groomed ski trails (16.7 miles total), two overnight ski huts (1 acre at each site) along ungroomed cross-country ski trails (locations not yet determined), and 44 backcountry campsites (51 sites total).

Aircraft and motorboat use would be allowed on all lakes open to snowmobiles — Locator, War Club, Quill, Loiten, Shoepack, Little Trout, and Mukooda, as well as the major lakes. Special regulations will be written for aircraft use.

All suitable areas not recommended for wilderness would continue to be managed in accordance with the NPS *Management Policies*, the park *Master Plan*, other park management documents, and federal regulations.